

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Crim. No. 21-cr-00579

v.

YITZCHOK "BARRY" KURTZER
and ROBIN KURTZER,

ORDER

Defendants.

This matter having come before the Court on the motion by defendants Yitzchok "Barry" Kurtzer (Marc Agnifilo, Esq. and Jacob Kaplan, Esq, appearing) and Robin Kurtzer (Cathy Fleming, Esq. and Harold J. Ruvoldt, Esq, appearing) for reconsideration of the October 18, 2021 bail decision (Doc. 70), and for good cause shown,

IT IS this _____ day of _____ 2021

ORDERED that the bail orders (Docs. 9 and 28) are modified as follows:

- 1) The condition of each that "The Defendant is prohibited from submitting, or causing to be submitted, any claims to Medicare or other federal health care programs" is removed; and
- 2) Judge Wettre's October 18, 2021 modification (Doc. 70) is removed;

OR

- 3) In the alternative, the existing bail condition, as modified, is replaced with the following:

"Dr. Kurtzer may bill CMS or other federally funded health insurance programs for services rendered through an independent billing company doing and processing the billing including peer review by a person, who is external to the medical practice, of the billing company's choosing. The Medical billing, the management company and Dr. Kurtzer have agreed that any referrals for laboratory testing, other than by a hospital, an entity owned by a hospital, a sole provider – or a publicly traded medical laboratory company will be peer reviewed

prior to being sent to the laboratory for processing. It shall not be a violation of the conditions of bail for Dr. Kurtzer's practice to receive compensation from CMS for any person licensed to act as a primary care provider who is salaried by the practice. This Court does not rule on CMS's right to deny payment on any one or all claims."

HON. ANNE E. THOMPSON
United States District Judge